

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ROY YIUN,
Plaintiff,

v.

TORRANCE BREWING CO.,
INC. et al.,
Defendants.

CV 19-1102 DSF (KSx)

Order DISMISSING Case for
Lack of Prosecution

Plaintiff's June 6, 2019 response to the Court's Order to Show Cause re Dismissal for Lack of Prosecution is not sufficient.

Rule 4(m) states that a court "must dismiss the action without prejudice" if the defendant is not served within 90 days. The Court is granted discretion to order service within a specified time and must extend the time for service on a showing of good cause. The Court's Order to Show Cause explicitly required Plaintiff to either (1) show that Defendant was served within the 90-day period or (2) make a showing as to why the 90-day period should be extended.

Plaintiff admits that he did not serve the Defendant within 90 days and still had not served the Defendant as of the time of the response to the Order to Show Cause. The response provides no concrete explanation for the failure to serve. The Court is told that the lack of service was due to "circumstances out of the control of Plaintiff." Plaintiff claims that attempts at service were

made, but does not say when those attempts were made, how many were made, or any information whatsoever about why the attempts were unsuccessful. Plaintiff's response falls short of a showing of good cause for extension of the 90-day period. Therefore, the case is DISMISSED without prejudice.

IT IS SO ORDERED.

Date: June 10, 2019

Dale S. Fischer

Dale S. Fischer
United States District Judge